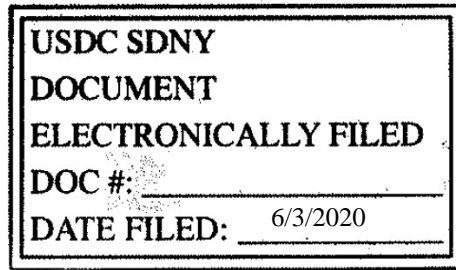


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
MIGUEL ALAS,

Plaintiff,

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
-----X

19-CV-430 (VSB) (BCM)

**OPINION & ORDER**

Appearances:

Daniel Berger  
Ny Disability, LLC  
Bronx, New York  
*Counsel for Plaintiff*

Benil Abraham  
Social Security Administration  
New York, New York  
*Counsel for Defendant*

VERNON S. BRODERICK, United States District Judge:

Plaintiff Miguel Alas brings this action seeking judicial review of the final decision of the Commissioner of Social Security (“Defendant”), that Plaintiff was not disabled under section 205(g) and 1631(c)(3) of the Social Security Act (“Act”), 42 U.S.C. § 405(g), 1383(c)(3). On January 17, 2019, I referred this case to Magistrate Judge Barbara C. Moses. (Doc. 7).

On July 22, 2019, Plaintiff filed a motion for Judgment on the Pleadings, (Doc. 14), and a Memorandum of Law, (Doc. 15). On September 20, 2019, Defendant filed a cross-motion for Judgment on the Pleadings, (Doc. 16), and a Memorandum of Law in Support of Defendant’s Cross-Motion for Judgment on the Pleadings and in Opposition to Plaintiff’s Motion for Judgment on the Pleadings, (Doc. 17). Plaintiff filed his reply on September 27, 2019. (Doc. 18.) Before me

is Judge Moses's February 25, 2020, Report and Recommendation to the Honorable Vernon S. Broderick ("R&R" or "Report and Recommendation"), which recommends that Plaintiff's motion be granted and that Defendant's motion be denied, and that the case be remanded for further proceedings. (Doc. 19).

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days to file written objections to this Report and Recommendation," (Doc. 19, at 43), neither party has filed an objection, or sought an extension of time to file an objection. I have reviewed Judge Moses's thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

### **CONCLUSION**

Accordingly, it is:

ORDERED that Plaintiff's motion for judgment on the pleadings is GRANTED and Defendant's motion is DENIED, and the action is remanded for further proceedings, consistent with the Report and Recommendation.

The Clerk's Office is respectfully directed to enter judgment remanding this case to the Commissioner of Social Security.

The Clerk of Court is also respectfully directed to terminate the open motions at Documents 14, 16.

SO ORDERED.

Dated: June 3, 2020  
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and "n". The last name "Broderick" is written with a large "B" and "r". The signature is written over a horizontal line.

Vernon S. Broderick  
United States District Judge